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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 MANI SUBRAMANIAN, as an individual  
 14 and citizen of Washington, and as a  
 derivative action plaintiff,

15 Plaintiff,

16 vs.

17 ST. PAUL FIRE AND MARINE  
 18 INSURANCE COMPANY, a Minnesota  
 Corporation, and QAD INC., a Delaware  
 Corporation with principal place of  
 business in California, and ARTHUR  
 19 ANDERSEN LLP, a limited liability  
 partnership headquartered in Chicago,  
 Illinois, and ANDERSEN WORLDWIDE  
 SC, a Societe Cooperative headquartered in  
 Geneva, Switzerland, and JOHN  
 DOORDAN, an individual and citizen of  
 California, and LAIFOON LEE, an  
 individual and Citizen of California, and  
 ROLAND DESILETS, an individual and  
 citizen of New Jersey, and WILLIAM D.  
 CONNELL, an individual an citizen of  
 California, and GREENAN PFEFFER,  
 SALLANDER and LALLY LLP, a limited  
 liability partnership headquartered in  
 California, and RANDALL WULFF, an  
 individual and citizen of California, and  
 DOES 1-50,

Case No. 08-cv-1426-VRW

**[PROPOSED] ORDER GRANTING  
 DEFENDANT RANDALL WULFF'S  
 MOTIONS TO DISMISS OR, IN THE  
 ALTERNATIVE, FOR SUMMARY  
 JUDGMENT AND/OR TO STRIKE  
 COMPLAINT**

Date: October 9, 2008  
 Time: 2:30 p.m.  
 Dept: Courtroom 6  
 Judge: Hon. Vaughn R. Walker

## Defendants.

Defendant Randall Wulff's Motion to Dismiss or, in the Alternative, for Summary Judgment and/or to Strike Complaint in this action came on regularly for hearing before this Court on October 9, at 2:30 p.m. Having read and considered the papers submitted, and hearing the arguments of counsel and of plaintiff Mani Subramanian, and good cause appearing therefore,

**IT IS HEREBY ORDERED THAT:**

Defendant Randall Wulff's Motion to Dismiss is granted; the Complaint against Mr. Wulff is dismissed with prejudice and without leave to amend. Plaintiff Mani Subramanian is barred from suit against Mr. Wulff by *res judicata* based on the earlier dismissal of his claims against Mr. Wulff in Case No. 04-1249, by the California common law doctrine of absolute quasi-judicial immunity, by the statutory "litigation" privilege of California Civil Code § 47(b) and by the *Noerr-Pennington* doctrine.

Defendant Randall Wulff's Motion to Strike the allegations of the Complaint as they relate to him is also granted. The Complaint is barred by California Code of Civil Procedure Section 425.16 because it is based entirely on the protected speech of Mr. Wulff or his attorneys in the context of litigation.

Accordingly, Mr. Wullf's Motion to Dismiss and Motion to Strike are GRANTED in their entirety; the Complaint is dismissed with prejudice and without leave to amend.

IT IS SO ORDERED.

DATED: , 2008

**HON. VAUGHAN WALKER  
UNITED STATES DISTRICT JUDGE**